

# EXHIBIT A

**WARREN LEX** LLP

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October 15, 2021

**By Electronic Mail**

Travis Richins  
Etheridge Law Group, PLLC  
2600 E. Southlake Blvd., Suite 120/324  
Southlake, Texas, 76092  
travis@etheridgelaw.com

**Re: WSOU Investments LLC v. Google LLC, Nos. 20-571, 20-572, 20-573, 20-575, 20-576, 20-579, 20-580, 20-583, 20-584, 20-585 (W.D. Texas)**

Dear Mr. Richins:

I write in response to your email of yesterday regarding Google's subpoenas to BP Funding Trust and Terrier SSC, LLC.

As you know, on Wednesday, September 8, 2021, we served WSOU with notices of the subpoenas that we then served on BP Funding Trust and Terrier. BP and Terrier did not serve responses and objections to the subpoenas, thereby waiving all objections. Likewise, WSOU raised no objections to the subpoenas despite being in regular contact with Google on other issues.

Given Terrier's complete silence, Google moved to compel production. *Google LLC v. Terrier SSC, LLC*, No. 21-mc-419 (D. Del. October 7, 2021). Terrier's opposition to Google's motion is due next Thursday, October 21, 2021.

On October 1, 2021, well after its date to respond to the subpoena, BP Funding Trust contacted Google and sought to meet and confer. Following those discussions, BP Funding Trust agreed in writing to produce documents by today, Friday, October 15, 2021. Relying on this agreement, Google postponed its motion to compel. Not until yesterday, the day before BP Funding Trust had agreed in writing to produce documents, did WSOU for the first time raise any issue regarding these subpoenas by, as you put it, "inform[ing] Basepoint and Terrier that Google's demands on them are improper" and "that production of the documents will prejudice WSOU." In response to your improper attempt to interfere with BP Funding Trust's agreement to produce documents, BP Funding Trust indicated that it would no longer honor that agreement. As a result, Google moved today to compel production from BP Funding Trust. *Google LLC v. BP Funding Trust*, No. 21-mc-440 (D. Del. October 15, 2021).

You have stated that WSOU plans to seek a protective order before the Western District of Texas. Such an order would not be appropriate; the correct forum for resolving any issue regarding Google's subpoenas is the enforcement court, here the District of Delaware. We are also surprised by your statement that "production of the documents will prejudice WSOU." We cannot see how production by a non-party can "prejudice" WSOU unless "prejudice" includes the revelation of information that WSOU

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considers unhelpful to its claims. If you are aware of some prejudice that WSOU would suffer from this production, please state it with specificity.

Finally, you stated without citation that some of these documents were irrelevant in some other, unspecified case. Without knowing more, we cannot evaluate your statement. In these cases, however, we can be certain that these documents are central to WSOU's standing or lack thereof. Every infringement plaintiff must show standing to assert every patent. In light of this rule, and especially following the experience of the *Uniloc* cases, where loan documents established lack of standing, we are confident that WSOU will agree these documents are highly relevant to its standing to bring these cases.

Very Truly Yours,



Jennifer A. Kash

# EXHIBIT B

TO THE HONORABLE COURT:

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<b>Event</b>	<b>Date</b>
Deadline Parties agree to serve no new ROGs, RFPs, RFAs, new subpoenas or deposition notices unless otherwise mutually agreed <sup>1</sup>	October 22, 2021
Deadline for Noticed Party to Provide Proposed Dates for All Remaining Noticed Depositions	December 10, 2021
Parties to Finalize Meet and Confer on Any Outstanding Discovery Disputes on written discovery	December 10, 2021
Deadline for Parties to Meet and Confer and Set Schedule for All Remaining Depositions	January 7, 2022
Deadline to Begin the Process in the OGP (pages 2 and 3) to Resolve Any Remaining Discovery Disputes (or the then current OGP process for resolving Discovery Disputes.) All filings with the Court due by Jan 28, 2022	January 21, 2022
Deadline for the first of two meet and confers to narrow the number of claims asserted and prior art references asserted. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues	February 1, 2022
Close of Fact Discovery	February 25, 2022
Opening Expert Reports	March 4, 2022
Rebuttal Expert Reports	April 1, 2022
Close of Expert Discovery	April 22, 2022
Deadline for the second meet and confer to narrowing the number of claims asserted and prior art references asserted. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.	April 29, 2022
Dispositive Motion Deadline	May 6, 2022
Serve Pretrial Disclosures	May 13, 2022

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<sup>1</sup> Excluding issues that later arise in the context of a deposition or updated disclosures

Event	Date
Objections/Rebuttal Disclosures	May 27, 2022
Motions in Limine	June 3, 2022
Joint Pretrial Order/Submissions	June 10, 2022
Remaining Pretrial Objections	June 24, 2022
(Proposed) Final Pretrial Conference	July 11, 2022
(Proposed) Jury Selection / 1 <sup>st</sup> Trial for the -571, -573, -579, -583, and -584 cases	July 25, 2022
(Proposed) Jury Selection / 2 <sup>nd</sup> Trial for the -572, -576, -575, -580 and -585	September 19, 2022

Date: October 21, 2021

Respectfully submitted,

/s/ James L. Etheridge

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LICENSING AND DEVELOPMENT**

Date: October 21, 2021

Respectfully submitted,

/s/ Tharan Gregory Lanier

Tharan Gregory Lanier (*pro hac vice*)

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***Attorneys for Defendant Google LLC***

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this filing via the Court's CM/ECF system per Local Rule CV-5(a) on October 21, 2021.

/s/ James L. Etheridge  
James L. Etheridge